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09/751,253	12/28/2000	Tatsuo Takaoka	2271/63845	8623

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EXAMINER

LETT, THOMAS J

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,253

Applicant(s)

TAKAOKA, TATSUO

Examiner

Thomas J. Lett

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "A facsimile apparatus as defined in claim 1" in line 1 of claim 2. There is insufficient antecedent basis for this limitation in the claim. A facsimile apparatus is not mentioned in claim 1 and a definition of said apparatus does not follow its mention.

Claim 9 recites the limitation "A facsimile apparatus as defined in claim 8" in line 1 of claim 9. There is insufficient antecedent basis for this limitation in the claim. A facsimile apparatus is not mentioned in claim 8 and a definition of said apparatus does not follow its mention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

Art Unit: 2626

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8, 15, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitsuoka et al (USPN 6,671,508 B1).

With respect to claim 1, Mitsuoka et al disclose a communications terminal (mobile communication system 101, see Fig. 14) connected to at least one of a telephone line (fixed-line telephone network, col. 23, lines 5-8), comprising:

a first memory (correspondence table (see Fig. 16, of memory portion 124, col. 23, lines 18-25) which stores service information including availability information representing availability of a specific communications service (mobile terminals) provided by a service provider through said at least one of the telephone line (fixed-line telephone network, col. 23, lines 5-8) and the local area network and condition information (condition for notification, col. 23, lines 40-54) suitable for said specific communications service;

a second memory (a DB administrator 114, col. 23, lines 14-19) which stores message information indicating that said specific communications service is not usable (records the communication status of the mobile terminal according to the notification from the mobile communication switcher 113. Examples of communication status to be recorded include "No Communication", "Line Busy", "Out of Area" or "Turned Off", etc.);

a detector (mobile communications switcher 113, col. 23, lines 8-12) configured to detect whether said service information stored in said first memory is appropriate (mobile communications switcher 113 updates the communication status, col. 23, lines

Art Unit: 2626

8-12) each time said communications terminal starts a call connection operation to use said specific communications service based on said condition information; and

an indicating mechanism (table administrator 123, col. 23, lines 23-24), configured to read said first memory and to indicate said message information indicating that said specific communications service is not usable when said detector detects that said service information stored in said first memory is inappropriate (updates the status table based on status notifications, col. 24, lines 60-64).

Claim 8 is a means claim and is rejected for the same reason as claim 1.

With respect to claim 15, Mitsuoka et al disclose a method of using a specific communications service provided by a service provider, comprising the steps of:

providing service information (correspondence table (see Fig. 16, of memory portion 124, col. 23, lines 18-25) including availability information representing availability of said specific communications service on a communications terminal connected to at least one of a telephone line and a local area network and condition information suitable for said specific communications service;

a first storing step of storing message information indicating that said specific communications service is not usable;

detecting whether said service information provided in said providing step is appropriate each time a call connection operation is started on said communications terminal to use said specific communications service based on said condition information (mobile communications switcher 113 updates the communications status, col. 23, lines 8-12);

reading said service information (monitoring portion 103 includes a monitoring table 131, a detecting portion 132, and a change notifying portion 133, col. 25, lines 26-28); and

indicating (using table administrator 123, col. 23, lines 23-24) that said specific communications service is not usable when said detecting step detects that said service information provided in said providing step is inappropriate (the table administrator 123 to update the status table based on a status notification sent from the monitoring portion 103 or an own status notification from a mobile terminal, col. 24, lines 60-64).

With respect to claim 22, Mitsuoka et al discloses a computer readable medium storing computer instructions for performing the steps recited in any one of claims 15-21 (a computer-readable recording medium having control programs for use in a communication terminal on a mobile communication network, col. 11, line 66 – col. 12, line 36).

With respect to claim 23, Mitsuoka et al disclose a communications terminal used with a communication service provided by service providers, comprising:

information storage for 1) service information including availability information indicative of availability of one or more communication services provided by one or more service providers (correspondence table (see Fig. 16, of memory portion 124, col. 23, lines 18-25),

2) condition information (condition for notification, col. 23, lines 40-54) suitable for the respective communication services, and

Art Unit: 2626

3) message information indicative or whether the respective one or more communication services are usable (additional information includes, "Available/Not Available", text messages such as "Anytime" and "Call at night", and "Priority", where "Priority" designates the preferred mode of communication, col. 4, lines 23-29);

detection facilities (mobile communications switcher 113, col. 23, lines 8-12) communicating with said information storage in relation to an initiation of a call connection operation seeking to use a selected communication service to detect if the selected communication service is suitable in relation to condition information stored in said information storage (mobile communications switcher 113 updates the communication status, col. 23, lines 8-12); and

an indicating facility (table administrator 123, col. 23, lines 23-24) communicating with said information storage in relation to a detection by the detection facility that the selected communication service is not suitable to provide an indication thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 9-13, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al (USPN 6,671,508 B1) in view of Pickett (USPN 6,208,658 B1).

With respect to claim 2, as best understood by Examiner, Mitsuoka et al does not disclose a third memory which stores guidance information for guiding a way to eliminate a cause due to which said specific communications service is not usable, wherein said indicating mechanism is further configured to read said third memory and to indicate said guidance information upon a predetermined input for starting a guidance indication operation after said indicating mechanism indicates said message information indicating that said specific communications service is not usable. Pickett teaches of a communications system 50 that is a purpose-built, dedicated platform with remote diagnostics and fix capabilities, col. 23, line 12 - col. 24, line 2. Mitsuoka et al and Pickett are analogous art because they are from the similar problem solving area of managing remotely networked peripherals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 50 software remote diagnostics feature of Pickett to Mitsuoka et al in order to obtain a remote means to fix a network problem. The motivation for doing so would be to make a peripheral available.

With respect to claim 3, Mitsuoka et al does not disclose a third memory which stores guidance information for guiding a way to eliminate a cause due to which said specific communications service is not usable, wherein said indicating mechanism is further configured to read said third memory and to indicate said guidance information when a predetermined time has elapsed after said indicating mechanism indicates said message information indicating that said specific communications service is not usable. Pickett teaches of a communications system 50 that is a purpose-built, dedicated platform with remote diagnostics and fix capabilities. Mitsuoka et al and Pickett are

Art Unit: 2626

analogous art because they are from the similar problem solving area of managing remotely networked peripherals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 50 software feature of Pickett to Mitsuoka et al in order to obtain a remote means to fix a network problem. The motivation for doing so would be to enable a peripheral.

With respect to claim 4, Mitsuoka et al does not disclose a communications terminal as defined in claim 1, wherein said second memory further stores guidance information for guiding a way to eliminate a cause due to which said specific communications service is not usable and said indicating mechanism indicates said message information indicating that said specific communications service is not usable and said guidance information when said detector detects that said service information stored in said first memory is inappropriate. Pickett teaches of a communications system 50 that is a purpose-built, dedicated platform with remote diagnostics and fix capabilities. Mitsuoka et al and Pickett are analogous art because they are from the similar problem solving area of managing remotely networked peripherals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 50 software feature of Pickett to Mitsuoka et al in order to obtain a remote means to fix a network problem. The motivation for doing so would be to enable a peripheral.

With respect to claim 5, Mitsuoka et al does not disclose a communications terminal as defined in claim 4, wherein said indicating mechanism indicates said message information and said guidance information with a display. Pickett teaches of data communications services of communications system 50 that can display interface

Art Unit: 2626

status in real time, col. 31, lines 50-60. Mitsuoka et al and Pickett are analogous art because they are from the similar problem solving area of managing remotely networked peripherals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 50 data communications services feature of Pickett to Mitsuoka et al in order to obtain a remote means to display and fix a network problem. The motivation for doing so would be to enable a peripheral.

With respect to claim 6, Mitsuoka et al does not disclose a communications terminal as defined in claim 4, wherein said indicating mechanism sends said message information and said guidance information to a sound mechanism to output said message information and said guidance information as a voice message. Pickett teaches of computer system 50 enabling an office attendant that uses voice commands for status information and guidance, col., lines. Mitsuoka et al and Pickett are analogous art because they are from the similar problem solving area of managing remotely networked peripherals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 50 data communications services feature of Pickett to Mitsuoka et al in order to obtain a remote means to display and fix a network problem. The motivation for doing so would be to enable a peripheral.

Claim 9 is a means claim and is rejected for the same reason as claim 2.

Claim 10 is a means claim and is rejected for the same reason as claim 3.

Claim 11 is a means claim and is rejected for the same reason as claim 4.

Claim 12 is a means claim and is rejected for the same reason as claim 5.

Claim 13 is a means claim and is rejected for the same reason as claim 6.

Claim 16 is a method claim and is rejected for the same reason as claim 2.

Claim 17 is a method claim and is rejected for the same reason as claim 3.

Claim 18 is a method claim and is rejected for the same reason as claim 4.

Claim 19 is a method claim and is rejected for the same reason as claim 5.

Claim 20 is a method claim and is rejected for the same reason as claim 6.

5. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al (USPN 6,671,508 B1) in view of Pickett (USPN 6,208,658 B1) and further in view of Goto (USPN 5,923,440).

With respect to claim 7, Mitsuoka et al in view of Pickett do not disclose a communications terminal as defined in claim 4, wherein said indicating mechanism sends said message information and said guidance information to a printing apparatus to output said message information and said guidance information on a recording sheet. Goto teaches of a monitor list 34 in FIG. 7 printed on the basis of the communication data stored in the communication data memory area 32 shown in FIG. 4. In the monitor list 34, the time of the communication trouble occurred can be printed and a maintenance person can fix the trouble, col. 7, line 62- col. 8, line 17. Mitsuoka et al and Goto are analogous art because they are from the similar problem solving area of managing remotely networked peripherals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the system 50 data communications services feature of Goto to Mitsuoka et al in order to obtain a remote means to display and fix a network problem. The motivation for doing so would be to enable a peripheral.

Claim 14 is a means claim and is rejected for the same reason as claim 7.

Claim 21 is a method claim and is rejected for the same reason as claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 571-272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL




KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER